



# The Maldives

*The Government of the Maldives continued to improve access to secondary education in remote parts of the country, reducing the practice of children living and performing domestic work for “host families” in order to attend school. Reports indicate that some of these children working in private households are deprived of schooling and subject to sexual abuse. Although the Government has implemented new mechanisms to protect workers generally, it still lacks coordination mechanisms and social programs to protect and assist children in these situations. The lack of evidence of other worst forms of child labor may be indicative of a small problem, or a hidden one.*

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

## Prevalence and Distribution of the Worst Forms of Child Labor

There are reports of limited numbers of children engaged in the worst forms of child labor<sup>3630</sup> in the Maldives, mainly as child domestics in private households. Some children from smaller islands, where secondary education is not available, live with “host families” on larger islands where they perform domestic work in addition to attending school.<sup>3631</sup> Although the extent of the problem is unknown, there are reports that some of these children never receive any education, and some are sexually abused by a member of the host family.<sup>3632</sup> However, the Government of the Maldives has established more secondary schools on remote islands, which may contribute to an apparent decline in children moving to larger islands for secondary education.<sup>3633</sup>

Girls are reportedly involved in forced prostitution in the Maldives.<sup>3634</sup> The UN Committee on the Rights of the Child has described the commercial sexual exploitation of children in the country as “an issue of serious concern” and states that “the lack of research on these issues in the Maldives is a major obstacle to concrete action” and has led to “widespread denial of the problems.”<sup>3635</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes 16 as the minimum age for work and 18 as the minimum age for work that may have a detrimental effect on a child’s health, education, safety or conduct. Research has not found evidence of laws or regulations that specify the “forms of work that may have a detrimental effect on a child’s health, education, safety, or conduct” under

the Employment Act. Minors under age 16 are permitted to work in family businesses, provided such work is voluntary, and to perform work in connection to an education or training program. However, persons under age 16 cannot be required to work during school hours or after 11 p.m.<sup>3636</sup>

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Constitution establishes the right to free education. It states that “it is imperative on parents and the State to provide children with primary and secondary education,” but the law does not establish an age for compulsory schooling.<sup>3637</sup> The absence of a compulsory education law places children under age 16 at risk of involvement in the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

The Employment Act and the Constitution both prohibit forced labor, and the Constitution prohibits slavery and servitude.<sup>3638</sup> There is no forced conscription into the military, and the voluntary recruitment age is 18.<sup>3639</sup> The Child Sex Abuse (Special Provisions) Act criminalizes the use of children for prostitution and pornography.

However, these offenses are not criminalized if the perpetrator and victim are married under Sharia law.<sup>3640</sup>

## Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of the Maldives has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Health and Family (MHF) and the Labor Relations Authority (LRA) enforce laws against child labor. New MHF inspectors are provided training by LRA lawyers; during the reporting period, the ILO also provided a 3-day training to labor inspectors.<sup>3641</sup> In 2010, the MHF employed three labor inspectors to cover all employment and workplace issues. The LRA conducted 100 routine labor inspections in 2010 and received an additional 477 labor-related complaints, but none involved child labor violations.<sup>3642</sup>

The Ministry of Human Resources (MHR) has a “blacklist” of employers who violate any provision of the Employment Act. Employers on the blacklist cannot employ new workers until violations are corrected.<sup>3643</sup> During the reporting period, no employers were blacklisted for child labor violations.<sup>3644</sup>

Other agencies are responsible for enforcement of criminal laws regarding the worst forms of child labor. The Government’s Family and Children’s Centers assist the public in reporting cases of abuse against both women and children.<sup>3645</sup> When cases of child sexual abuse are identified, including child prostitution, the MHF’s Department of Child and Family Protection (DCFP) provides victim care while the Maldives Police Services’ (MPS) Family and Child Protection Unit investigates the cases and refers them to the prosecutor general’s office for prosecution.<sup>3646</sup> Two cases of child prostitution were identified in 2010, both of which remain under investigation by the MPS.<sup>3647</sup>

Some officers of the MPS and Department of Immigration and Emigration have received training on recognizing trafficking in persons, but no formal system is in place for identification of trafficking victims, and no victims were identified in the reporting period.<sup>3648</sup> The Maldives Human Rights Commission is currently conducting an assessment of the scope of the trafficking in persons problem in the country.<sup>3649</sup>

### **Government Policies on the Worst Forms of Child Labor**

The Government's PRSP includes specific goals to increase the capacity of the MHE. These include increasing support services to children, improving data collection and analysis on vulnerable children, and coordinating, monitoring and evaluating child protection services provided by social service providers and NGOs.<sup>3650</sup> The UNDP Country Program for the Maldives (2011–2015) aims to support the ILO in developing a Decent Work framework to address youth unemployment, among other issues.<sup>3651</sup> The country program also aims to promote equitable access to justice and rule of law by increasing the capacity of the prosecutor general's office and the employment tribunals and training these institutions on human rights issues.<sup>3652</sup>

The question of whether these poverty alleviation policies have an impact on the worst forms of child labor does not appear to have been addressed. The Government does not regularly collect data on working children, making it difficult to understand the scope of the problem and to design strategies to address it.

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

Social protection centers on many of the Maldives' islands provide temporary shelter and protection for children in need, which could include children rescued from abusive work situations.<sup>3653</sup> The MHF provides general protection and rehabilitation services, such as counseling, family reintegration, medical treatment, and educational assistance to vulnerable children.<sup>3654</sup> The target population for such services could include children in the worst forms of child labor, but the extent to which such children are involved is unknown. The MHF established a new hotline in 2010 to report child abuse cases, leading to a significant increase in cases reported.<sup>3655</sup> It is unclear if these included cases of children abused in work settings and/or in commercial sexual exploitation.

The LRA, employment tribunal, MHR, other government agencies and workers' and employers' organizations are participating in a \$640,000, USDOL-funded project begun in 2010. The project aims to develop a well-functioning system of labor relations, labor law and labor administration, including child labor.<sup>3656</sup>

Research found no evidence of any programs to address the worst forms of child labor for children engaged in domestic service or those that may be exploited in forced prostitution.

## Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Malawi:

### IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Law or enact regulations specifying the types of work that are detrimental to children's health, education, safety or conduct.
- Establish compulsory education to age 16, the minimum age for work.
- Enact laws to criminalize child prostitution and pornography, even when it occurs within a marriage relationship.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor.

### IN THE AREA OF POLICIES:

- Assess the impact that existing poverty alleviation policies may have on addressing child labor, particularly in domestic service and forced prostitution.
- Conduct research on the prevalence of the worst forms of child labor to determine if better targeted policies and services are necessary.

### IN THE AREAS OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor, particularly for children exploited in domestic service and forced prostitution.
- Implement programs to reduce reliance on "host family" domestic work situations.

<sup>3630</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

<sup>3631</sup> U.S. Embassy- Colombo, reporting, November 12, 2010. See also UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: The Maldives, CRC/C/MDV/CO/3, Geneva, July 13, 2007, paras 86-87; available from <http://tb.ohchr.org/default.aspx?country=mv>.

<sup>3632</sup> U.S. Embassy- Colombo, reporting, February 24, 2011. See also U.S. Department of State, "Maldives," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

<sup>3633</sup> U.S. Embassy- Colombo, reporting, November 12, 2010.

<sup>3634</sup> U.S. Embassy- Colombo, reporting, February 8, 2010.

<sup>3635</sup> UN Committee on the Rights of the Child, Consideration of Reports of States Parties Under Article 44 of the Convention: Initial report of the Maldives under the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict: The Maldives, CRC/C/SR.1390, Geneva, February 26, 2010, para 7; available from <http://tb.ohchr.org/default.aspx?country=mv>.

<sup>3636</sup> Government of the Maldives, Employment Act (unofficial translation), (October 13, 2008), articles 6, 7, 9; available from [http://www.mhrys.gov.mv/library/file/Employment%20Act%20\(English%20Translation\)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf](http://www.mhrys.gov.mv/library/file/Employment%20Act%20(English%20Translation)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf).

<sup>3637</sup> Government of the Maldives, Constitution of the Republic of Maldives, (2008), article 36; available from <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>.

<sup>3638</sup> Ibid., article 25. See also Government of the Maldives, Employment Act, article 3.

<sup>3639</sup> Coalition to Stop the Use of Child Soldiers, “Maldives,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/maldives>.

<sup>3640</sup> Siraj Hussain, E-mail communication to USDOL official, July 31, 2010.

<sup>3641</sup> U.S. Embassy- Colombo, reporting, February 3, 2011.

<sup>3642</sup> Ibid.

<sup>3643</sup> U.S. Department of State, “Maldives,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154483.htm>.

<sup>3644</sup> U.S. Embassy- Colombo, reporting, February 3, 2011.

<sup>3645</sup> Ibid.

<sup>3646</sup> Ibid. See also UN Committee on the Rights of the Child, *Consideration of initial reports: The Maldives*, para 5.

<sup>3647</sup> U.S. Embassy- Colombo, reporting, February 3, 2011.

<sup>3648</sup> U.S. Department of State, “*Trafficking in Persons Report- 2010: Maldives*.”

<sup>3649</sup> U.S. Embassy- Colombo official, E-mail communication to USDOL official, June 27, 2011.

<sup>3650</sup> Government of the Maldives, *Maldives: Poverty Reduction Strategy Paper*, International Monetary Fund, Malé, January 2008; available from [http://planipolis.iiep.unesco.org/upload/Maldives/Maldives\\_PRSP\\_2008.pdf](http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PRSP_2008.pdf).

<sup>3651</sup> United Nations Development Program, *Country Programme for Maldives (2011-2015)*, New York, 5; available

from [http://www.undp.org/asia/country\\_programme/CP/CP\\_MDV\\_2011-2015.pdf](http://www.undp.org/asia/country_programme/CP/CP_MDV_2011-2015.pdf).

<sup>3652</sup> Ibid., 10.

<sup>3653</sup> UN Committee on the Rights of the Child, *Consideration of initial reports: The Maldives*, para 62.

<sup>3654</sup> UN Committee on the Rights of the Child, *Written replies by the Government of Maldives concerning the list of issues (CRC/C/MDV/Q/3) received by the Committee on the Rights of the Child relating to the consideration of the second and third combined periodic report of Maldives (CRC/C/MDV/3), CRC/C/MDV/Q/3/Add.1*, Geneva, March 5, 2007, para 2(g); available from <http://tb.ohchr.org/default.aspx?country=mv>. See also UN Committee on the Rights of the Child, *Consideration of Reports of States Parties Under Article 44 of the Convention: Initial report of the Maldives under the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict: The Maldives*, CRC/C/SR.1391, Geneva, January 30, 2009, para 3; available from <http://tb.ohchr.org/default.aspx?country=mv>.

<sup>3655</sup> U.S. Embassy- Colombo, reporting, February 3, 2011.

<sup>3656</sup> U.S. Department of Labor- Bureau of International Labor Affairs, U.S. Department of Labor announces \$640,000 grant to implement labor project in the Republic of Maldives, Press Release, Washington, DC, December 15, 2010; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20101731.htm>.